FOR MYSORE STATE

Finance (1947) Department

SERIES.

G.O. No. 710

710

Dated 22nd September 1947

[Despatch Abstract.]

CIVIL SERVICE REGULATIONS Articles 520 and 521 - Power to sanction re-employment and to fix pay on re-employment - Withdrawal of delegation - Orders issued..

Government of Madras
Finance Department

U.O. Note No.69663-P; dated the ~~26th~~ 23rd December 1946.

Civil Service Regulations - Article520 and 521 - Power to sanction re-employment and to fix pay on re-employment - Continuance of the delegation.

Read: G.O. No.534 Finance (Pen.), dated 22nd October '4
G.O.No.569 Fin.(Pen.), dated 7-12-1943
G.O.No.577 Fin.(Pen.), dated 11-12-1943
G.O.No.441 Fin.(Pen.), dated 24-8 -1944
G.O.No.477 Finance (Pen.), dated 12-9-1944
G.O.No.642 Finance (Pen.), dated 28-11-44
G.O.No.1 Finance (Pen.), dated 2-1-1945.

In the Government Orders read above, the power to sanction re-employment and to fix pay on such re-employment of persons in respect of superannuation and retiring pensions was delegated to certain Heads of Departments for the duration of war. Since it was felt that the delegation should continue for some time more after the war, ~~in G.O.No.1102 Finance (Pension) dated~~ it was decided in G.O.No.1102 Finance (Pension) dated 16-10-1945 to continue the delegation till 31-12-1946.

2. The departments of the Secretariat mentioned below may be requested to say whether they consider it necessary to extend the period of delegation sanctioned to the Heads of Departments under their respective control for any further period. The attention of the departments may also be invited to G.O.No.1340 Public (Services), dated 10-6-1946.

To the public (Spl) Dept. (for remarks in general questions) ** **
" public dept.
" Rev. Dept. (and to put up G.O.477 Fin (Pen.)/12-9-44) taken by them
" P.W.D (and to put up G.O.577-Fin (Pen.)/11-12-43) taken by them

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(True copy)

~~Superintendent,~~
~~M.R.O.~~

21/12.6

GOVERNMENT OF MADRAS
Finance Department

G.O.Ms.No.710, Finance (Pen.), dated 22nd September 1947.

Abstract

CIVIL SERVICE REGULATIONS - Articles 520 and 521 - Power to sanction re-employment and to fix pay on re-employment - Withdrawal of delegation - Orders passed.

Read the following:-

G.O.No.534 Finance (Pen.), dated 22nd October 1943
" 569 " dated 7th December 1943
" 577 " dated 24th August 1944
" 441 " dated 12th September 1944
" 477 " dated 28th November 1944
" 642 " dated 2nd January 1945
" 1102 " dated 16th October 1945

Order:

The power to sanction re-employment and to fix pay and allowances on re-employment of persons in ~~receipt~~ receipt of superannuation and retiring pensions delegated to certain Heads of Departments for the duration of the war was continued in G.O.No.1102 Finance (Pension) dated 16th October 1945 till 31st December 1946. The Government have carefully examined the need for the further continuance of the delegation and have decided that it is unnecessary to extend the delegation.

2. The attention of Heads of Departments is invited to the orders in G.O.No.1340 Public (Services), dated 10th June 1946 wherein the Government, in modification of all previous instructions, directed that no person who retired from service should be re-employed unless there were exceptional circumstances justifying such a step. All cases should be reviewed in the light of the above orders and cases where special reasons exist for sanctioning re-employment should be submitted to the Government for orders.

(By Order of His Excellency the Governor)

** **

Sd.
Deputy Secretary to Government

To the Accountant-General, Madras
To the Board of Revenue
To the Inspector -General of Registration
To the Director of Agriculture
To the Registrar of Joint Stock Companies
To the Registrar of Co-operative Societies
To the Chief Conservator of Forests
To the Director of Industries & Commerce
To the P.T.C.
To the D.V.S.
To the Chief Engineer (General)
" (Electrical)
" (Irrigation)
" (Communications)
To the Commissioner of Labour
To the Inspector-General of Police
To all the Collectors
To the Hon'ble the Chief Justice of the High Court of Judicature (with C.L.)
To the Special Officer for training clerks and village officers.
To the Departments of the Secretariat

(True copy)

aj/13.6

~~Superintendent, M.R.O~~

From

F. L. Underwood, Esq., O.B.E.,
Inspector-General of Police,
Madras

To

The Secretary to the Government of Madras,
Finance (Pension) Department.

Letter Rc.No.691/R.A/47, dated the 6th October 1947.

Sir,

Sub:-Civil Service Regulations - Articles 520 and 521 - Power to sanction re-employment and to fix pay on re-employment - Withdrawal of delegation.

Ref:-G.O.No.710 Finance (Pension), dated 22-9-1947.

In their order cited the Government have withdrawn the power delegated to certain Heads of Departments to sanction the re-employment of persons in receipt of superannuation and retiring pensions and to fix their pay and allowances. In G.O.Ms.No.441 Finance (Pension), dated 24-8-1944, power was delegated to me for the duration of the war to sanction the re-employment of pensioners in ministerial posts and to fix their pay and allowances on re-employment. This delegation was continued up to 31-12-1945 in G.O.No.1102 Finance (Pension), dated 16-10-1945 After 31-12-1946, I have sanctioned the re-employment of a few retired Government servants in ministerial posts in this department with reference to Articles 520 and 521 of the Civil Service Regulations and the rulings thereunder in the Madras Supplement to the Civil Service Regulations. These cases will be reviewed and sanction of the Government obtained for the continuance of the re-employment, if necessary.

2. As regards re-employment of persons in the Madras Police Subordinate Service, I have been sanctioning it with reference to the rulings under Articles 520 and 521 Civil Service Regulations in the Madras Supplement to the Civil Service Regulations read with rule 32 of the Madras Police Subordinate Service Rules and I request to be informed whether the powers delegated to me in the above rules for the re-employment of retired government servants in the Madras Police Subordinate Service is also withdrawn in the Government Order cited. On receipt of the orders of the Government I shall, if necessary, review the cases of pensioners re-employed in the Madras Police Subordinate Service and obtain the sanction of the Government for the continuance of their re-employment in cases in which it is considered necessary in exceptional circumstances.

Sd/ ** **6-10-47
for Inspector-General of Police

Copy to the Secretary to the Govt., of Madras,
Home Department.

p.t.o.

Government of Madras
Finance Department

Memorandum No.60050 Pen-3, dated 20th November 1947

Civil Service Regulations - Articles 520 and 521 - Power to sanction re-employment and to fix pay on re-employment - Withdrawal of delegation.

From the Inspector-General of Police, Letter No.Rc.691/R.A/47, dated 6th October 1947.

The Inspector-General of Police is informed that he can sanction the re-employment of retired Government servants in the Madras Police Subordinate Service in exercise of the powers delegated to him in the rulings under Articles 520 and 521 Civil Service Regulations in the Madras Supplement to the Civil Service Regulations.

** **

Sd. . . . . .
1-11-47.

To the Inspector-General of Police
To the Accountant-General, Madras
To the Home Department

PUBLIC WORKS DEPARTMENT

From

Sri Rao Bahadur A.R. Venkata Acharya, B.E., I.S.E.,
Chief Engineer (Irrigation), General Branch,
Chepauk, Madras

To

The Secretary to Government,
Public Works Department,
Fort St. George, Madras

Letter No.1328-Ad.2/47-12, dated 27th October 1947.

Sir,

Sub:- Re-employment of Pensioners - Delegation of powers of re-employment in regard to the establishment on Technical side.

Ref:- Chief Engineer's letter No.1328-Ad.II/47-7, dated 28-7-47 and Government Order No.710 Finance (Pen.), dated 22-9-47.

In the Chief Engineer's letter quoted above, it was proposed to restrict re-employment of pensioners in absolutely essential cases to the Technical Staff only and the Government were accordingly requested to extend the delegation to the Chief Engineer of the powers of re-employment in this regard up to 31-12-1947 in the first instance. In regard to the Ministerial posts where some pensioners were re-employed or whose re-employment had been renewed on and after 1-1-1947 but whose re-employments have since been terminated, the Government were informed in the concluding portion of the Chief Engineer's letter quoted above that it might save correspondence if general ratification is accorded by Government to cover such cases. Orders of Government with specific reference to the above requests have not so far been received. I now request orders on the above reference as G.O.No.710 Finance (Pen.) dated 22-9-47 does not specifically cover the issues raised in the above letter.

2. With reference to the concluding sentence of para 2 of G.O.No.710 Finance (Pen.), dated 22-9-1947, I may mention again that invariably in every case of pensioner who is still continued

in...

in the technical side, the retention is made on account of sheer necessity caused by dearth of suitable candidates. Cases requiring sanction of Government will be submitted to Government if necessary after receipt of orders on Chief Engineer's letter No.1328-Ad.II/47-7, dated 22-9-1947.

Sd. . . . . .
For C.E. P.W.D. (G.I)
24.10.47

Government of Madras
Finance (Pension) Department

Memorandum No.66523-Pen.2, dated 8th December, 1947.

Re-employment of Pensioners - Delegation of powers of re-employment in regard to the Establishment on technical side.

Letter from the Chief Engineer (Irrigation) No.1328-Ad/2-47-12, dated 27th October 1947.

The Chief Engineer (Irrigation) is informed that Government are not prepared to delegate to him the power to re-employment of pensioners even in technical posts. Sanction

2. All cases in which pensioners were re-employed in ministerial posts under orders of the Chief Engineer (Irrigation) but whose services have now been terminated are hereby ratified.

** **

Sd- 28.11.47.

To the Chief Engineer (Irrigation)
To the Accountant-General, Madras
Copy to the Public Works Department.

No.D. Dis. D.7489/47

Office of the Commissioner of Labour, Chepauk, Madras, Dated 17th December 1947.

From

R.M. Sundaram Esq., O.B.E., I.C.S.,
Commissioner of Labour, Madras

To

The Secretary to Government,
Finance (Pension) Department, Madras

Sir,

Sub:- C.S.R. - Articles 520 and 521 - Power to sanction re-employment - Withdrawal of delegation.

Ref:- G.O.No.710 Finance (Pension), department d/22-9-47.

No pensioners are now employed in the Labour and Factories Department except those mentioned below:-

(1) Sri M. Krishnaswami Ayyar - Member, Standardisation Committee;
(2) Sri Rao Bahadur M. Venkataramayya -Industrial Tribunal, Madras
(3) Sri P. Markandeyulu - Industrial Tribunal, Bezwada.
(4) Sri C. R. Krishna Rao - Industrial Tribunal, Coimbatore and
(5) Sri T.A. Subbiah Pillai - Industrial Tribunal, Madura

No.(1) is a retired Inspector of Factories and Nos.(3) to (5) are retired District Judges.

Sd. ** **
For Commissioner of Labour.

From

Rao Saheb G. Abdul Sattar Saheb Bahadur, B.A.,
Collector of Salem, Salem

To

The Secretary to Government,
Finance (Pension) Department
Fort St. George, Madras.

Letter No.D.Dis.18595/47- dated 26th January 1948

Sir,

Sub:- C.S.R. - Articles 520 and 521 - Powers to sanction re-employment - to fix pay on re-employment cases of re-employed pensioners - Report - submitted.

Ref:- G.O.No.710 Finance (Pension), dated 22-9-1947.

Sri G. Narasinga Rao is the only person re-employed as Minor Irrigation Overseer, Namakkal. His re-employment was sanctioned in G.O.No.2035, dated 29-8-1947.

2. During the strike of the Non-Gazetted officers in December 1947, Sri K. Venkata Rao was employed as clerk, in the Revenue Divisional Office, Namakkal from 19-12-1947 to 21-12-1947 and then reverted as copyist in the same office. Sri N. Rajagopalachari was employed as clerk in Treasury Deputy Collector's office during the strike period and he is continuing

Sd/ * *
for Collector. Salem
9.2.48

Government of Madras
Finance (Pension) Department

Memorandum No.6043-Pen-1, dated the 9th February, 1948.

Sub:- C.S.R. - Articles 520 and 521 - Power to sanction re-employment and to fix pay on re-employment cases of re-employed pensioners. Report.

Ref:- From the Collector of Salem, Letter No.D.Dis.18595/47 dated 26th January 1948.

The Collector of Salem is requested to quote the authority under which the ~~xxx~~ re-employment ~~xx~~ of the two retired persons referred to in para 2 of his letter cited is still being continued. He is also informed that proposals regarding re-employment of the retired officers should be submitted to the Government through the Board of Revenue.

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p.t.o.

To The collector of Salem
Copy to the Board of Rev.

Sd. . . .
9.2.48

From

Sri D.S. Reddi, M.A. (Oxon),
Director of Public Instructio
Madras

To

The Secretary to Government,
Finance Department, Madras

Letter No.5046-C2/47, dated the 15th March 1948.

Sir,

C.S.R. - Articles 520 and 521 - Power to sanction re-employment.

With reference to the Government Endorsement No~~xx~~ 4827-Pen-1-Fin. Department dated 6-2-48, I have the honour to state that the power to sanction re-employment and to fix pay on such re-employment of persons in respect of superannuation and retiring pensions was delegated to me in Article 520(iii) of the C.S.R. and the Madras Supplement thereto. It is not known whether that power was taken away by the Government. I request you to let me know whether I have still powers to re-employ or continue to re-employ~~ed~~ pensioners or whether I should submit proposals for the consideration of the Government for re-employment or continued re-employment of pensioners.

** **

for Director of Public Instruction.

Government of Madras
Finance (Pension) Department

Memorandum No.18541-Pen.3, dated the 18th April 1948

Civil Service Regulations - Articles 520 and 521 - Power to sanction re-employment.

From the Director of Public Instruction, Letter Rc. No.5046-C2/47, dated the 15th March 1948.

The attention of the Director of Public Instruction is invited to the orders issued in G.O.No.1340 Public (Services), dated 10th June 1946 and he is informed that he should submit all proposals for re-employment of pensioners to the Government for orders. The delegation of powers in articles 520-521 C.S.R. will have no force for the present.

** **

18.4.48

To the Director of Public Instruction
To the Accountant-General, Madras
Copy to the Educatioh and Public Health Department.

Office of the Accountant-Gener
Madras Dated 6th November 1948

To

The Secretary to Government of Madras,
Finance Department.

Sub: Civil Service Regulations - Articles 520-521
Power to sanction re-employment by Heads of Departments.

The Inspector-General of Police, Madras, has reported the re-employment of a retired constable on 28-8-1947 and has referr to this office for instructions as to the rate of pay a~~dmissible~~

P. T. O.

admissible to him. The points that arose for consideration in this office are:-(1) whether the Inspector-General has power to re-employ a retired constable and,(2) whether the constable may be allowed the minimum pay admissible to constables in the revised scales of pay if the pension is held in abeyance.

2. In support of the re-employment of the retired constable the Inspector-General has cited the Government Memo No.60050-Pen-3(Fin) dated 20-11-1947 wherein he was informed that he can sanction the re-employment of retired Government servants in the Madras Police Subordinate Service in exercise of the powers delegated to him in the rulings under Articles 520 and 521 C.S.R. contained in the Madras Supplement to the C.S.R's. It is observed that Government have subsequently informed the Director of Public Instruction in Memo No.18541-Pen-3(Fin.Pen), dated 18-4-48 that the delegation of powers under C.S.R. 520 and 521 would have no force for the present. Under the circumstances it may please be stated whether the instructions issued to the Director of Public Instruction are applicable to the Education Department only.

3. As regards the pay of re-employed pensioner, it is presumed that with reference to G.O.No.785 Finance (Pen.) dated 10-10-1947 his pay should be fixed at Rs.22/-, the pay he was drawing at the time of retirement and not at R .30/- the minimum in the revised scale sanctioned in G.O.Ms.No.78 Finan dated 6-2-47. The presumption may kindly be confirmed.

sd. . . .
A.A.O

Government of Madras
Finance (Pension) Department

Memorandum No.97411-Pen. 3, dated 25th December 1948

Pension - Power to sanction - Re-employment and to fix pay on re-employment - Clarifications - Issued.

From the Accountant-General, No.T.8 Poli-1115, dated 6-11-48

The Accountant-General, Madras, is informed that the Government have reconsidered the orders in Memo No.60050 Pen-3- dated 20th November 1947. They consider that in the interest of uniformity the orders in G.O.No.710 Finance, dated 22-9-47 should be applied to all cases of re-employment of retired personnel, including those of the Police Department. All such cases relating to Police Department should in future be referred to the Gover ment for orders.

The pay of such re-employed persons will be governed by the orders in G.O.No.785 Finance dated 10-10-1947, as it is not the intention to give the benefit of revised scales to re-employed pensioners.

** **

To the Accountant-General, Madras
Copy to the Inspector-General of Police, Madras.

(True copies)

Superintendent,
M.R.O.

aj/13.6

Note file

Copy of Note file in G.O.Ms.No.710 Finance (Pension), dated the 22nd September 1947.

Public (Services) Dept.

RE -EMPLOYMENT - Retired Government Servants.

Please see the Education & Public Health note on pp.1-2 above. Under the orders in G.O. No.1340 Public (Ser.), dated 10-6-46 no person who has been retired should be re-employed unless there are exceptional circumstances justifying such a step. In G.O.No.1679 Public (Ser.) dated 30th July 1946 it has been further ordered that all Heads of Departments and Departments of the Secretariat should replace all retired Government servants re-employed before, or after the date of the G.O., by qualified and suitable persons as soon as such persons ~~become~~ available. The implication of these orders is that Heads of Departments should not sanction re-employment of retired persons without the approval of the Government. Please see in this connection the direction given by the P.W.D. to the C.E. and the G.O. at (I).

With the above remarks the file may be passed on to Finance.

R.
17-3-47.

I think Finance issued an order last year withdrawing the delegation made to Heads of Departments in this matter. Please verify if I am correct.

K.V.R.
18-3-1947.

A delegation regarding the power to sanction re-employment and to fix pay on re-employment has been made to certain Heads of Departments in the G.O. at (W). This delegation was in force till 31st December 1946 when it lapsed. It is understood from Finance that orders have not yet been issued continuing the delegation.

R.
21-3-47.

E.P.H. may be informed that cases of this sort should come up to Govt. for sanction.

The proposed re-employment of the compounder in question may be agreed to in this department subject to the usual conditions.

K.V.R.
22-3-47 K.R.M.
22-3-47

Finance (Pension) Deptt.

The proposal is to re-employ Sri M.A. Devados as compounder for a period of one year from the date of his retirement. This proposal, which has been agreed to by Public (Ser.) may be accepted in Finance also.

2. With reference to 'A' above, it is submitted that the Departments of the Secretariat have been requested to say whether the delegation of power to certain Heads of Departments to sanction re-employment and to fix on re-employment, of retired Government servants should be extended further from 31-12-46 upto which day the existing delegation is in force. If Public held that re-employment of pensioners cannot be sanctioned in any case without reference to Government, it would be unnecessary to extend the delegation now made to certain Heads of Departments. This point will be further examined in connection with the file mentioned at A above which will be sent to Public (Services)also in due course before orders are issued.

N An extract of this note will be taken and added to the connected file pending in this section.
P.S.
Yes
C.S.K.
28-3-47

P.N.S.
28-3-47

P.S.
28-3-47

C.S.K.
28-3-47.

C.No.18319/47

Fin.U.O.18319-Pen.1
D/29-3-47

Finance (Pension) Deptt.

Sub: C.S.R. - Article 520 and 521 - Power to sanction re-employment and to fix pay on re-employment - Continuance or withdrawal of delegation.

Ref:- Finance U.O.Note No.69663-Pen-1, dated 23rd December 1946.

In the G.Os. mentioned in column (1) below, power to sanction re-employment and to fix pay on such re-employment of persons in receipt of superannuation and retiring pensions was delegated to the authorities mentioned in column (2) below, for the duration of the war:-

(1)	(2)
G.O.No.534 Fin.(Pen), d/22-10-1943	The Board of Revenue and the Inspector-General of Registration
G.O.No.569 Fin.(Pen), dated 7-12-43	The Director of Agriculture The Registrar of Joint Stock Companies The Registrar of Co-operative Societies The Chief Conservator of Forests The Director of Industries and Commerce The Provincial Textile Commissioner and the Director of Veterinary Services.
G.O.No.577 Fin.(Pen.) d/11-12-43	The Chief Engineer (General) " (Elec.) " (Irrign.) " (Communs.) and the Commissioner of Labour
G.O.No.441 Fin (Pen.), d/24-8-1944	The Inspector-General of Police (in respect of pensioners re-employed in the Madras Ministerial Service which are under his control)

N	G.O.No.477 Fin (Pen.) d/12-9-44	The Collectors of districts
	G.O.No.642 Fin.(Pen.) d/28-11-44	The High Court
	G.O.No.1 Fin.(Pen),d/2-1-45	The Special Officer for training of clerks and village officers.

The above delegation was extended till 31-12-46 - see G.O.No.1102 Finance (Pen.) d/16-10-45. In G O.No.1340 Public Public (Ser.), dated 10-6-46, the Government in modification of all the previous instructions directed that no person who retired from service should be re-employed unless there were exceptional circumstances justifying such a step. In the U.O. Note cited, the Departments of the Secretariat concerned were requested to say with special reference to the above G.O. whether they considered it necessary to further extend the period of delegation. The Departments of the Secretariat in consultation with the Heads of Departments under them have sent their replies which are at flag (F). Their remarks are summarised in the succeeding paragraph.

2. (1) Public (General-C) Department recommend that the delegation may be extended for a period of one year from 1-1-47 in the case of the Special Officer for Training of Clerks and Village Officers.

(2) Home consider that it is unnecessary to extend the period of delegation for the High Court and the Inspector-General of Police.

(3) Revenue on account of the dearth of permanent clerical staff and the need for experience and efficient men, the Inspector-General of Registration requests that the period of delegation may be extended by another year upto 31-12-1947. As regards power ~~to~~ delegated to the Board of Revenue and Collectors, the Board of Revenue has recommended that it may be withdrawn so far as the Collectors are concerned and may be continued so far as the Board is concerned. The Revenue Department support the above recommendations and have informed the Board that orders will be issued in Finance.

(4) Public Works-(a). The C.E. (Elec.) considers that the powers sanctioned to him are not necessary any more.

(b) The C.E. (Highways) states that though the war is over, the dearth of qualified and experienced men is being felt especially in the technical branch and particularly in the case of draftsmen on account of the abolition of the draftsman's course in the Engineering College. He says that until fresh candidates are trained, it will be necessary to re-employ some of the retired men and supervisors as draftsmen to cope with the work in the drawing offices, that in some cases, it may also be necessary to retain superannuated supervisors till new candidates from the College become available, and that continuance of the delegation will therefore facilitate work and will avoid delay and unnecessary correspondence. He therefore considers that it is desirable to continue the delegation at least for another year when the position may be reviewed.

(c) The Chief Engineers P.W.D. (G.B & D) and Irrigation consider that the period of delegation should be extended upto 31-12-48 for the following reasons:-

(i) Remarks of the C.E., P.W.D. (G.B.& D).

The difficulty of getting qualified and suitable persons for the various technical posts in the Department is as acute as ever. This Department has now vastly expanded its activities to even a greater extent than it did during the war period. There is therefore the need to maintain the existing strength of qualified and experienced men by re-employing really efficient and suitable persons. As regards ministerial services also, the position is not satisfactory, owing to the expansion of the Department, dearth of experienced clerks is felt in every office.

(ii) Remarks of the C.E. (Irrigation): Consequent on the expansion of the department on account of the inauguration of the project works, other Post-war and G.M.F. Schemes, it is becoming increasingly difficult to find suitable personnel for executive and ministerial establishments. The delegation of the present powers for a further period of one year (from 1-1-47) would enable the C.E. (Irrigation) to sanction the re-employment of suitable pensioners without the delay involved in obtaining orders of the Government on every individual case.

The P.W. Department recommend that the delegation may be extended for all, including C.E. (Electiricity) for one year.

(5) Development Department. The Commissioner of Labour, Registrar of JoihtStock Companies, the Registrar of Co-operative Societies, and the Provincial Textile Commissioner are of the view that the delegation in their cases may be withdrawn. Remarks of the Chief Conservator of Forests have not been received from Development. The Director of Industries and Commerce states that the services of a few retired officers are being continued in his Department for want of suitable and qualified hands and that in view of the fact that it is still difficult to get experienced peopxle for some responsible posts, it may be necessary to occassionally re-employ retired persons. In the circumstances he requests that the delegation may be continued for a further period of one year from 1-1-47 as it will avoid unnecessary correspondence ~~which he~~ with the Government and save time.

The Director of Agriculture states that though instances of re-employment of retired men are all in his department, he would like the period of delegation to be extended for another year from 1-1-1947.

3. It may be seen from the above paragraph that mainly, the Board of Revenue, I.G. of Registration, Chief Engineers other than C.E. (Electricity) and Director of Industries and Commerce have asked for the continuance of the delegation for another year. The present policy of the Government is not to sanction re-employment, unless there are x very exceptional circumstances for doing so. It is therefore desirable that each case should be decided by the Government on its merits. With a view to co-ordination and observance of a uniform policy in the matter of re-employment of pensioners a proposal is separately under consideration that, in future, orders sanctioning re-employment should be issued in the Finance Department. In these circumstances, it seems unnecessary to extend the delegation in the case of any of the Heads of Departments.

A We have to rely largely on the recommendations of Heads of Departments.

4. The case may be sent to Public (Ser.) for remarks with reference to their notes on pp.3 and 7 of flag (F) - ~~M~~ also M on p.4 above.

I was not aware when the file referred to at A above was under consideration that this case was pending. I can easily understand that there is a dearth of men due to the greatly expanded activities of almost all Government Departments, and appreciate the anxiety of Heads of Departments that the power to re-employ pensioners etc. be delegated.

The Government must in all cases rely largely on the recommendations of the heads of departments. The delegation of ~~these~~ powers will lead to less dislocation in offices.

Regarding the pay to be given to re-employed pensioners, the question is under consideration and orders will issue shortly.

The most that can be done towards control of ~~these~~ powers, if delegated to Heads of Departments, will be to insist on the submission of quarterly retu of ~~xx~~ the names and salaries with reasons why re-employment of retired personnel was necessary and to direct that re-employment should not be for more than one year in any case.

The plain fact is that there are not enough suitable new candidates available and till that posi is resolved and the M.P.~~R~~S.C. can supply the men required it would appear to be best to continue the arrangement that was in force before in respect of those departments which have asked for delegation of powers.

**

16-~~12~~ 7-47.

Fin.U.O.69663-Pen.5
16-7-47

Pub.(Ser.)

Public (Services) Department.

Finance notes from p.4 ante may be perused.

In G.O.No.1340 Public (Ser.), d/1~~2~~-6-46 Govt. ordered that thereafter no retired person should be re-employed unless under exceptional circumstances justifying such a step. In G.O.No.1679 Pub.(Ser.), d/30-7-46 Govt. directed that there was no obligation to keep retired officers till the end of their term of re-employment and that their services might be dispensed with on a month's notice in accordance with G.O.No.3524 Pub.(Ser.), d/~~2~~-12-44. The present policy of Govt. is not to encourage re-employment of retired officers unless under exceptional circumstances justifying such a step. The question whether or ~~x~~ not there are exceptional circumstances in a particular case can only be decided by Government.

2. The above considerations apart, public opinion seems to be definitely against re-employment of retired persons as is evident from the number of questions that are asked in the Legislature. Re-employment of retired officers is viewed with suspicion that it is resorted to in order to retain in service persons of particular communities.

3. In the circumstances mentioned above this department may advise that the powers delegated to

Heads of Departments for re-employing retired officers ~~in view with~~ need not be continued. Every case may come up to Govt. for decision on its merits. H.P.M. and H.E. may see.

The file may be returned to the Finance Department.

A above is a very important factor which weighs against delegation of powers to Heads of Departments. The proposal of Finance cannot, it seems, be supported in Public.

**

22-7-47.

SUMMARISING NOTE FOR CIRCULATION.

Re-employment of pensioners - Continuance or otherwise of the delegation of powers to certain Heads of Departments.

Up to 31st December 1946 certain Heads of Depts. were given powers by the Government to re-employ retired pensioners and to fix their pay and allowances during such re-employment.

2. Towards the end of December 1946, the Finance Dept. asked the Departments of the Secretariat to report if the powers should be continued, with special reference to G.O.No.1340 Public (Ser.), d/10th June 1946, in which orders were passed that no person who had retired from service should be re-employed unless there were exceptional circumstances justifying such a step. The Departments have consulted the Heads of Departments concerned and have reported that the Board of Revenue, the Inspector-General of Registration, Chief Engineers, P.W.D. Irrigation and Highways, Director of Industries and Commerce etc. have asked for continuation of the powers for another year. The Departments recommend delegations accordingly.

3. Since the powers delegated to Heads of Departments have lapsed from the 1st January 1947, at present all cases of re-employment are reported to the Government for sanction and H.M.(Fin.) has ordered that they should be circulated to him also. There is also a proposal separately under consideration that in future orders sanctioning re-employment of pensioners should be issued only in the Finance Department.

4. In view of the considerations set out in Deputy Secretary's note on pp.7-8, particularly at K on p.8 above, Finance suggested that it would be best to continue the arrangement that was in force before the 1st January 1947 in respect of those Departments which have asked for delegation of powers. However, Public (Ser.) are against extension of delegation and have asked for circulation to H.P.M. and H.E.

5. The case may be circulated to H.M.(Fin.) H.P.M. and H.E. for orders.

B.G.R.
(H.M.)
O.P.R.
29-8-47
(H.P.M

I have no objection to the view of Public (Ser.) which would allow of a stricter check on re-employment of retired personnel.

H.E.

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28-7-47

I agree with Public. Delegated power must be withdrawn. It was a psychological effect on the heads of Departments.

Please see the orders in circulation at p.10 above. A draft order is submitted for approval. It may be sent to Public (Ser.) for perusal before issue.

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11-9-47

Pub.(Ser.)

Public (Ser.) Department.

(Previous note of this Dept. is on p.9 ante.)

The further notes and orders in circulation on pp.~~2~~ 9-10 ante and the draft order below may be perused and the file returned to the Fin. Dept.

K.R.M.
17-9-47,

Finance (Pen.) Dept.

The draft order below may now be issued.

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22-9-47

(Issued as G.O.No.710 Fin. dated 22-9-1947)

(True copy)

Superintendent,
Madras Record Office.

Finance (Pension) Department.

Subject:- Civil Service Regulations - Articles 520 and 521 - Power to sanction re-employment and to fix pay on re-employment - Withdrawal of delegations - Classification of certain points.

Letter from the Inspector-General of Police No. No.691/R.A/47, dated 6-10-19

Please see the letter of the Inspector-General of Police on p.1 c.f.

Under the delegation contained in paragraph 2 of the rulings under Articles 520 and 521 in the Madras Supplement to the C.S.R. and Article 521 of the C.S.R., the Inspector-General of Police is competent to sanction re-employment and to determine the pay and pension of such re-employed persons in cases where the re-employment is for bona fide temporary duty lasting for not more than one year or the pension does not exceed Rs.10/- a month. Orders of Government are necessary in cases where a pensioner drawing a pension of more than Rs.10 per mensem is to be re-employed for a period exceeding one year. With a view to eliminate unnecessary work and delay, the I.G. of Police was delegated the power to fix the pay and pension of pensioners re-employed in posts included in the Madras Ministerial Service which are under his control subject to the condition that pay on re-employment plus pension does not exceed the pay drawn by the individual at the time of retirement. This power has been withdrawn by the Government - See para 1 of the G.O.No.710 Fin.(Pen.), d/22-9-47. So the positions stated by the Inspector-General of Police at A on p.1 c.f. is correct.

*in establishments under his control of pensioners

2. As regards the powers of the I.G. of police to reemploy retired Government servants in the Madras Police subordinate Service with reference to the delegation sanctioned in the rulings under Articles 520 and 521 of the C.S.R. in the Madras Supplement to the C.S.R., no specific orders have been issued either withdrawing or limiting the existing powers of the I.G. of Police. The point was not also raised and discussed in G.O. No710 Fin.(Pem.), dated 22-9-47. Further the delegation contemplated in the rulings referred to above is a limited one i.e. the I.G. of Police can sanction re-employment only in cases where the re-employment lasts for not more than one year or the pension does not exceed Rs.10/- a month. In other cases, the I.G. of Police will have to obtain the orders of the Govt. In these circumstances there seems to be no objection in permitting the I.G. of Police to continue to exercise the delegation referred to at A above. Subject to orders a draft Memo. is submitted for approval. Home may see before issue. A

**

7-11-47

I agree with the note prepage.

What was withdrawn by G.O.No.710 Fin., d/22-9-47 was the power delegated to certain heads of departments for the duration of the war. The extent of the power delegated to the heads of departments and other details are found in G.O.No.1102 Fin. dated 16-10-45. It is only the powers referred to in this latter G.O. i.e. G.O.No. 1102 Fin. dated 16-10-45 that are affected by the recent withdrawal. The powers referred to at 'A' prepage may continue to be exercised by the Inspector-General of Police

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7-11-47

Fin. J.O.60050-Pen
Home 7-11-47

Home (X) Dept.

Please see letter from the I.G. of police on p.1 c.f. and the note of Fin. Dept. on pp.3-4 above. The draft Memo below may be accepted and the file returned to Finance.

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14-11-47

Finance (Pen.) Dept-

The draft Memo. below may now issue.

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20-11-47

Issued as Memo No.60050-Pen-3, dated 20-11-47.

(True copy)

Superintendent,
Madras Record Office.

Finance (Pen.) Dept.

Sub: Re-employment of pensioners - delegation of powers of re-employment in regard to the establishment on technical side to the Chief Engineer, Irrigation.

From the Chief Engineer, Irrigation, Letter No.1328-Ad-2/47-12, dated 27-10-47. n.t.o.

Please see the letter from the C.E. in the c.f.

The C.E. requests definite orders of the Govt. on his proposals

i) that his power to sanction re-employment of pensioners in absolutely essential cases to the technical staff only may be extended upto 31-12-1948

ii) that in order to save correspondence, general ratification may be accorded by Govt. to cover cases of re-employment or continuance of re-employment sanctioned by him after 1-1-47, but whose re-employment have since been terminated.

2. Proposal (i) above: The C.E. made the same request to the Government when the Government considered the question of continuance of the temporary delegation of powers sanctioned to certain Heads of Departments to sanction the re-employment to pensioners and to fix the pay of such re-employed pensioners. But it was decided not to continue the temporary delegation referred to above from 1-1-47 and was accordingly ordered that all cases of re-employment should be submitted to Govt. for orders. --see G.O.No.710 Fin. d/22-9-47. Further, re-employment of retired persons to technical posts are sanctioned by the Government only under special circumstances. It is not therefore advisable to delegate this power to the C.E.(I) alone. He may be informed accordingly.

Proposal (ii) above: When orders were issued in G.O.No.710 Finance dated 22-9-47, the intention of the Government was that all cases of re-employment or continuance of re-employment sanctioned after 1-1-1947 though since terminated, should be submitted to Govt. for ratification in order to enable the Govt. to see whether such re-employments have been justified on public grounds. Such orders of ratification are being issued in this department. There seems to be no reason why an exception should be made in the case of the C.E. (Irrigation) alone and general orders of ratification should be issued in the cases under his control alone. The Chief Engineer may be asked to submit such cases of re-employment also to the Govt. for ratification.

3. Subject to orders a draft Memo. is submitted with reference to 'A' and 'B' above(on pp.1-2) for approval. P.W.D. may see before issue.

To save labour and time, Finance may agree to (ii) of C.E's proposals. Draft has accordingly been amended. It may be seen by P.W.D. before issue.

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28-11-47

P.W.D.

To D.S.

The notes of Finance from p.1 above and the draft Memo. below may be perused and the file returned to Finance.

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5-12-1947

Finance (Pen.) Dept.

The draft Memo. may now issue.

SO/V.K.R 8-12-47

Finance (Pen.) Dept.

Civil Service Regulations - Articles 520 and 521 - Power to sanction re-employment.

From the Director of Public Instruction Letter No.Rc.5046-C2/47, dated 15-3-1948.

Please see the reference from the Director of Public Instruction in the c.f. Under delegation contained in Articles 520(iii) and 521 of the C.S.R. and in paragraph 2 of the rulings under Articles 520 and 521 in the Madras Supplement to the C.S.R. and the D.P.I. can sanction the re-employment of pensioners in his Department in cases where the re-employment is for bona fide temporary duty lasting for not more than one year, or the pension of the re-employee does not exceed Rs.10/- a month. The D.P.I. wants to know whether the delegation of powers referred to above still continues to be in force.

In this connection attention is invited to the orders in G.O.No.1340 Public (Ser.), dated 10-6-46 and G.O.No.710 Fin.(Pension), dated 22-9-47 in which the delegation of powers for re-employment made to certain Heads of Departments - the D.P.I. is not included in that list - was withdrawn. In that connection, Public (Ser.) have expressed the following views:--

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"The present policy of Govt. is not to encourage re-employment of retired officers unless under exceptional circumstances justifying such a step. The question whether or not there are exceptional circumstances in a particular case can only be decided by Government.

The above considerations apart, public opinion seems to be definitely against re-employment of retired persons as is evident from the number of questions that are asked in the Legislature. Re-employment of retired officers is viewed with suspicion that it is resorted to in order to retain in service persons of particular communities.

In the circumstances mentioned above, this department may advise that the powers delegated to Heads of Departments for re-employing retired officers need not be continued. Every case may come up to Government for decision on its merits" * *

In circulation it was decided to withdraw the powers delegated to Heads of Departments for the employment of retired persons.

Having regard to the above position, the intention is that Heads of Departments should not be allowed to re-employ retired personnel notwithstanding the provisions in Article 520-521 C.S.R. and the instructions thereunder in the Madras Supplement. All such cases should be referred to Government for orders. The pay of re-employed pensioners is governed by the orders issued in G.O.No.3524 Public (Services), dated 9-12-44. The D.P.I. may be informed accordingly.

Subject to orders a draft Memo. is submitted for approval.

It seems better that all cases should come up to Government for sanction.

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6-4-48.

E.P.H.

The draft Memo may be perused and the file returned to Finance.

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14-4-48

Finance (Pen.) Dept.

The draft Memo already put up may now issue

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18-4-48

Issued as O.M.No.18541-Pen-3, dated 18-4-48.

Finance (Pension) Deptt.

Please see the reference from the A.G. in the c.f.

Attention is invited to the orders in G.O. 1340 Public (Ser.) d/10-6-46 and para 2 of G.O.710 Fin.(Pen.), d/22-9-47, in which the delegation of powers for the re-employment made to certain Heads of Departments was withdrawn. In connection with the withdrawal of powers, Public (Ser.) have expressed the following views:- "The present policy of Government is not to encourage re-employment of retired officers unless under exceptional circumstances justifying such a step. The question whether or not there are exceptional circumstances in a particular case can only be decided by the Government."

The above considerations apart, public opinion seems to be definitely against re-employmen as is evident from the number of questions that are asked in the Legislature. Re-employment of retired officers is viewed with suspicion and it is resorte to in order to retain in service persons of particular communities. In the circumstances mentioned above, this Department may advise that the powers delegated to Heads of Departments for re-employing retired officer need not be continued. Every case may come up to Government for decision on its merits.

They have already been withdrawn.

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In circulation it was decided to withdraw powers delegated to Heads of Departments for the re employment of retired persons and para 2 of G.O. 710 Finance dated 22-9-47 fully bears out this view The title of the G.O. also supports this view as it states that the delegation under articles 520-52 were withdrawn. The instructions issued in Finance Memorandum No.60050-Pen, d/27-11-47 and the noting in that connection do not appear to be consistent with the present policy of Government. In connection with an inquiry from the D.P.I. about th powers of re-employment, Deputy Secretary remarked that it is better that in all cases (re-employment in all departments) should come up to Government fo sanction. It does not appear that an exception can be made in the case of subordinates in the Police Department alone.

Quite. And Govt. have since withdrawn the delegation under F.R. to extend service.

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p.t.o.

The Accountant-General may therefore be told that the orders in G.O.710 Finance dated 22-9-47 are intended to apply to all departments including the case of retired Police subordinates also and that such cases should come up to Government for sanction.

Home may see for remarks if any.

Home.....

Finance J.O.
No.100534-Pen47-1
26-11-1948.

Home Department.

Please see the Finance Department's note on pp.1-2 above. Finance propose to tell the I.G. of that the orders in G.O.No.710 Fin., d/22-9-47 are intended to apply to all Departments including the case of retired Police subordinates and that such cases should come up to Government for sanction.

2. In October 1947, the I.G. raised the same point whether the powers delegated to him for the re-employment of retired Govt. servants in the Madras Police subordinate service were also withdrawn by the Govt. in the G.O. on p.15 c.f. of (P) - vide para 2 of his letter on p.73 c.f. of that G.O. The I.G. then stated that he has bee sanctioning re-employment of persons in the Police Dept. with ref. to the rulings under Articles 520-521 C.S.Rs. in the Madras Supplement to the C.S.Rs. read with rule 32 of the M.P.S.S. Rules. The Fin. Dept. then informed the I.G. in Memo No.60050 Fin (Pen.) d/20-11-47 that he can sanction re-employment of retired Govt. servants in the M.P.S.S. in exercise of the powers delegated to him under Articles 520-521 of the C.S.Rs. Finance have now held that the instructions in the Memo. and the noting in that connection do not appear to be consistent with the present policy of the Govt. and that the instructions in G.O.No.710 Fin. d/22-9-47 should apply to the case of retired Police subordinates also. In the circumstances stated, this Dept. may agree with Finance. The case may be returned to Finance.

From the I.G.'s letter d/6-10-47 (p.37 of 'P'), it would appear that the I.G. would have no objection to the Fin. Dept.'s present proposal that even in the case of the Police Subordinate Service re-employment of retired persons should come up to Govt. for sanction. This Dept. may agree.

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20-12-48

Finance (Pen.)Dept.

Home's note on pp.2-3 above may be perused.

Draft Memo. to the I.G. of Police is submitted below for approval.

Issue

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25-12-48

(Issued as Memo.No.97411-Pen-3, d/25-12-1948)

The papers may now be closed and stiched with papers of G.O.No.710 Finance, dated 22-9-1947.

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25-12-1948.

(true copy)

Superintendent, Madras Record Office